

SEC. 18. CONFORMING AMENDMENT CONFIRMING HOUSING ASSISTANCE FOR QUALIFIED ALIENS.

(a) IN GENERAL.—Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) in subsection (a)—
(A) in paragraph (6), by striking “or” at the end;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

“(7) a qualified alien described in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641); or”;

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking “(6)” and inserting “(7)”;

(B) in paragraph (2)(A), in the matter preceding clause (i), by inserting “(other than a qualified alien described in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641))” after “any alien”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications for public benefits and public benefits provided on or after the date of the enactment of this Act without regard to whether regulations to carry out such amendments have been implemented.

SEC. 19. PROCESSING OF CERTAIN VISAS.

(a) IN GENERAL.—Section 238(b)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457; 122 Stat 5085) is amended to read as follows:

“(5) Measures taken to ensure that—

“(A) the Office of Policy and Strategy at United States Citizenship and Immigration Services leads policy and program development with regard to Violence Against Women Act confidentiality-protected victims and their derivative family members; and

“(B) there is routine consultation with the Office on Policy and Strategy during the development of any other Department of Homeland Security regulation or operational policy that impacts Violence Against Women Act confidentiality-protected victims and their derivative family members.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

By Mr. LEAHY.

S. 329. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit for property placed in service during 2008; to the Committee on Finance.

Mr. LEAHY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT FOR PROPERTY PLACED IN SERVICE DURING 2008.

(a) IN GENERAL.—Subsection (g) of section 25C of the Internal Revenue Code of 1986 is amended to read as follows:

“(g) TERMINATION.—This section shall not apply with respect to any property placed in service after December 31, 2009.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 20—CELEBRATING THE 60TH ANNIVERSARY OF THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. VOINOVICH (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 20

Whereas the North Atlantic Treaty Organization (NATO) will celebrate its 60th anniversary at a summit to be held on April 4, 2009, in Kehl, Germany, and Strasbourg, France;

Whereas this summit will be held along the border of France and Germany to commemorate the historic post-war reconciliation in Europe that NATO has done so much to facilitate;

Whereas for 60 years, NATO has served as the preeminent organization to defend the territory of its member states against all external security threats;

Whereas the security of the United States is inseparably linked to the peace and stability of the European continent by the participation of the United States in NATO;

Whereas the security of the United States has been significantly enhanced by the integration of security and military structures in the United States and Europe achieved by NATO;

Whereas NATO continues to promote a Europe that is whole, undivided, free, and at peace;

Whereas NATO continues to support an open-door policy of admitting states that can contribute to the promotion and protection of freedom, democracy, stability, and peace throughout Europe;

Whereas, since the end of the Cold War, NATO has continued to redefine and transform itself and to take on new missions, in order to ensure that each NATO member state can defend itself against emerging threats such as terrorism, the spread of weapons of mass destruction, instability caused by failed states, cyber attacks, piracy, and threats to global energy security;

Whereas NATO continues to help stabilize the Balkans through the deployment of troops to Kosovo;

Whereas NATO has deployed naval assets to the Gulf of Aden to address the growing threat of piracy in the region and to help protect the delivery of United Nations food assistance to Somalia;

Whereas after the 2001 terrorist attacks on the United States, Article 5 of the North Atlantic Treaty, signed at Washington April 4, 1949 (TIAS 1964), was invoked for the first time in the history of the organization, and NATO deployed 50,000 troops from all 26 NATO member states to Afghanistan to respond to a dangerous insurgency and terrorist threat and to help re-build a shattered country;

Whereas the challenges that continue to be posed by the resurgence of the Taliban and the illicit drug trade in Afghanistan highlight the need for a sustained and strengthened NATO presence in Afghanistan;

Whereas NATO continues to enhance the security of Europe and the world by strengthening partnerships with countries around the world; and

Whereas Congress continues to support NATO, the leadership role of the United

States Government in European security affairs, and the continued enlargement of NATO: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 60th anniversary of the North Atlantic Treaty Organization;

(2) reaffirms that the North Atlantic Treaty Organization is strong, enduring, and oriented for the challenges of the future; and

(3) expresses appreciation for—

(A) the steadfast partnership between the North Atlantic Treaty Organization and the United States Government; and

(B) the work of the North Atlantic Treaty Organization to ensure peace, security, and stability in Europe and throughout the world.

SENATE RESOLUTION 21—TO AUTHORIZE TESTIMONY IN UNITED STATES OF AMERICA V. VINCENT J. FUMO, ET AL

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 21

Whereas, in the case of United States of America v. Vincent J. Fumo, et al, Cr. No. 06-319, pending in the United States District Court for the Eastern District of Pennsylvania, testimony has been subpoenaed from David Urban, a former employee of the office of Senator Arlen Specter;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it *Resolved* that David Urban is authorized to testify in United States of America v. Vincent J. Fumo, et al., except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED AND PROPOSED

SA 38. Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. KERRY, Ms. KLOBUCHAR, Mr. PRYOR, Mr. SCHUMER, Mr. HARKIN, Mr. KOHL, Mr. CASEY, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 328, to postpone the DTV transition date.

TEXT OF AMENDMENTS

SA 38. Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. KERRY, Ms. KLOBUCHAR, Mr. PRYOR, Mr. SCHUMER, Mr. HARKIN, Mr. KOHL, Mr. CASEY, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 328, to postpone the DTV transition date; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “DTV Delay Act”.

SEC. 2. POSTPONEMENT OF DTV TRANSITION DATE.

(a) IN GENERAL.—Section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended—

(1) by striking "February 18, 2009;" in paragraph (1) and inserting "June 13, 2009;"; and
 (2) by striking "February 18, 2009," in paragraph (2) and inserting "that date".

(b) EXTENSION OF COUPON PROGRAM.—Section 3005(c)(1)(A) of that Act (47 U.S.C. 309 note) is amended by striking "March 31, 2009," and inserting "July 31, 2009,".

(c) CONFORMING AMENDMENTS.—

(1) Section 3008(a)(1) of that Act (47 U.S.C. 309 note) is amended by striking "February 17, 2009," and inserting "June 12, 2009,".

(2) Section 309(j)(14)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)(A)) is amended by striking "February 17, 2009," and inserting "June 12, 2009,".

(3) Section 337(e)(1) of the Communications Act of 1934 (47 U.S.C. 337(e)(1)) is amended by striking "February 17, 2009," and inserting "June 12, 2009,".

(d) LICENSE TERMS.—

(1) EXTENSION.—The Federal Communications Commission shall extend the terms of the licenses for the recovered spectrum, including the license period and construction requirements associated with those licenses, for a 116-day period.

(2) DEFINITION.—In this subsection, the term "recovered spectrum" means—

(A) the recovered analog spectrum, as such term is defined in section 309(j)(15)(C)(vi) of the Communications Act of 1934; and

(B) the spectrum excluded from the definition of recovered analog spectrum by subclauses (I) and (II) of such section.

SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

(a) TREATMENT OF EXPIRED COUPONS.—Section 3005(c)(1) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by adding at the end the following:

"(D) EXPIRED COUPONS.—The Assistant Secretary may issue to a household, upon request by the household, one replacement coupon for each coupon that was issued to such household and that expired without being redeemed."

(b) CONFORMING AMENDMENT.—Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by striking "receives, via the United States Postal Service," and inserting "redeems".

SEC. 4. IMPLEMENTATION.

(a) PERMISSIVE EARLY TERMINATION UNDER EXISTING REQUIREMENTS.—Nothing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station's analog television signal (and continuing to broadcast exclusively in the digital television service) prior to the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service (as amended by section 2 of this Act) so long as such prior termination is conducted in accordance with the Federal Communications Commission's requirements in effect on the date of enactment of this Act, including the flexible procedures established in the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (FCC 07-228, MB Docket No. 07-91, released December 31, 2007).

(b) PUBLIC SAFETY RADIO SERVICES.—

(1) USE ON CLEARED SPECTRUM.—Notwithstanding the amendments made by section 2, if—

(A) a television broadcast station ceases the broadcasting of such station's analog television service under subsection (a) of this section prior to June 12, 2009, and

(B) as a consequence of such cessation, spectrum between frequencies 768 and 776

megahertz, inclusive, and 798 and 806 megahertz, inclusive, becomes available for non-television broadcast use prior to June 12, 2009,

the Federal Communications Commission shall permit the use of such spectrum for authorized public safety radio services if the Commission determines that such use is in the public interest and does not cause harmful interference to full-power television stations in the analog or digital television service.

(2) EXPEDITED PROCEDURES.—The Federal Communications Commission may use expedited procedures, and may waive such rules as may be necessary, to make a determination on an application made under paragraph (1) to begin such use of such spectrum by a public safety agency (as such term is defined in section 3006(d)(1) of the Digital Television Transition and Public Safety Act of 2005) in not less than 2 weeks after the date of submission of such application.

(c) EXPEDITED RULEMAKING.—Notwithstanding any other provision of law, the Federal Communications Commission and the National Telecommunications Information Administration shall, not later than 30 days after the date of enactment of this Act, each adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act.

SEC. 5. EXTENSION OF COMMISSION AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking "2011." and inserting "2012.".

SEC. 6. EMERGENCY DESIGNATION.

Each amount made available under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) as a result of the amendments made by this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

PRIVILEGES OF THE FLOOR

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Finance Committee detailees, fellows, and interns be allowed floor privileges during the consideration of H.R. 2: Mary Baker, Lauren Bishop, Pete Harvey, Laura Hoffmeister, Matt Kazan, Bridget Mallon, Toni Miles, Kelcy Poulson, Aris Prasetyo, Daniel Stein, and Kelley Whitener.

The PRESIDING OFFICER. Without objection, it is so ordered.

DTV DELAY ACT

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 328, introduced earlier today by Senator ROCKEFELLER.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 328) to postpone the DTV transition date.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Mr. President, on February 17, 2009—less than 1 month from today—our Nation is scheduled to make the transition to digital television, or DTV. On this day, full-power television stations across the country will stop broadcasting in analog and switch to digital signals.

The way I see it, right now we have a choice. We can do the DTV transition right or we can do it wrong. Doing it right would mean that as many as 21 million households across this country do not lose access to news, information and emergency alerts. Doing it right would mean that every consumer who relies on over the-air television is aware of the steps they need to take to ensure continued reception and receive the assistance they need to prepare for the transition in their home. And doing it right means that no one across this land wakes up on February 18 to find that their television set has gone dark.

But the shameful truth is that we are not poised to do this transition right. We are only weeks away from doing it dreadfully wrong—and leaving consumers with the consequences. It is no secret that the outgoing administration grossly mismanaged the digital television transition. The coupon program that was designed to help consumers defray the cost of converter boxes to ensure the continued functioning of their analog television sets has a waiting list of over 2 million. This number will multiply to millions more in the weeks ahead. Making a difficult situation even worse, we also face the frightful specter of converter box shortages.

On top of this, consumers are aware of the transition, but confused about its consequences. One study suggests that while recognition of the transition is widespread, an alarming 63 percent have major misconceptions about just what steps they need to take to prepare. Calling centers at the Department of Commerce and Federal Communications Commission are ill-equipped to deal with the avalanche of calls that are expected on February 17 and in the days and weeks after. Consumers will be on their own, forced to navigate through the messy rubble of a botched transition.

I believe we can and should do better. Doing better means more than cobbling together the failed efforts of the last administration. Doing better requires more attention and more resources. But above all, it will require more time—to get the DTV transition right.

This is why last week I introduced the DTV Delay Act. I asked the Senate to delay the date of the transition from February 17 to June 12, 2009. This will give us the time we need to develop an approach that puts consumers first and provides them with the assistance they need.

In the interim, I have been working with the distinguished ranking member of the Senate Commerce, Science and Transportation Committee, Senator HUTCHISON, to modify and improve